No. 16-1466

IN THE

Supreme Court of the United States

MARK JANUS,

Petitioner,

v.

AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, COUNCIL 31, *et al.*,

Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

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BRIEF OF NATIONAL WOMEN'S LAW CENTER, THE LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS, AND 85 ADDITIONAL ORGANIZATIONS COMMITTED TO CIVIL RIGHTS AND ECONOMIC OPPORTUNITY AS *AMICI CURIAE* IN SUPPORT OF RESPONDENTS

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INTEREST OF *AMICI CURIAE*[1]

Amici are organizations committed to economic security for working families, including the achievement of equal employment opportunities for women and people of color. As set out in this brief, the questions presented by this case are critical to achieving these goals.

Amicus curiae, the National Women's Law Center ("NWLC"), is a nonprofit legal advocacy organization dedicated to the advancement and protection of women's legal rights and opportunities. Since its founding in 1972, the Center has focused on issues of key importance to women and girls, including economic security, employment, education, and health, with special attention to the needs of low-income women and those who face multiple and intersecting forms of discrimination. As part of this work, NWLC fights for equal opportunities and fair treatment for women in all aspects of their employment. NWLC has participated as counsel or *amicus curiae* in a range of cases before this Court to secure the equal treatment of women and other protected classes under the law.

Amicus curiae, The Leadership Conference on Civil and Human Rights ("The Leadership Conference") is the nation's oldest, largest, and most diverse coalition of more than 200 national organizations committed to the

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[1] Pursuant to Rule 37.2, the parties have consented to this filing of this brief. Pursuant to Rule 37.6, *amici* affirms that no counsel for a party authored this brief in whole or in part, and no person other than *amici* and their counsel made a monetary contribution to its preparation or submission.

protection of civil and human rights in the United States. The Leadership Conference was founded in 1950 by leaders of the civil rights and labor rights movements, grounded in the belief that civil rights would be won not by one group alone but through coalition. The Leadership Conference works to build an America that is inclusive and as good as its ideals by promoting laws and policies that promote the civil and human rights for all individuals in the United States.

Other *amici* are listed in Appendix A of this brief.

SUMMARY OF ARGUMENT

Petitioner asks this Court to overrule its decades-old precedent in *Abood v. Detroit Board of Education*, 431 U.S. 209 (1977). Were this Court to do so, it would undermine one of the most important vehicles for providing economic and professional opportunities for workers in the United States, and, in particular, for workers who are women and people of color.[2] Put simply, unions have provided a critical path to the middle class for generations of working people, including the nurses, first responders, teachers, librarians, and other public servants who perform some of our Nation's most valued work and comprise the membership of public sector unions.[3]

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[2] As discussed in this brief, unions have also provided important benefits for workers with disabilities, immigrants, and LGBTQ (lesbian, gay, bisexual, transgender, and queer) workers.

[3] The legal question at issue here relates specifically to public sector unions, and thus this brief does not discuss the benefits of the fair share rule in the context of private sector unions.

As of 2016, 4.4 million local government workers and nearly 2.3 million state government workers in the United States were represented by unions. This constitutes 44 percent of all local government workers and 33 percent of all state government workers. U.S. Dep't of Labor, Bureau of Labor Statistics, Economic News Release, Table 3: *Union Affiliation of Employed Wage and Salary Workers by Occupation and Industry, 2015–2016 Annual Averages* (Jan. 26, 2017).

A wealth of data shows that women and people of color who are represented by unions—a population which includes *both* members and non-members—enjoy greater pay equity and increased benefits like health insurance and parental leave, have safer workplaces, and have access to additional avenues for civil rights protections than their non-union counterparts.

Unions deliver these benefits by bargaining with employers, negotiating collective bargaining agreements, and enforcing the terms of those agreements through grievance procedures. Unions, as the exclusive collective bargaining representatives, are required by law to represent all workers in a bargaining unit—union members and non-members alike. As a result, all workers in a bargaining unit receive the benefits of the collective bargaining agreement. Thus, the union's ability to negotiate a contract provision requiring non-members to pay their fair share of costs avoids the "free-rider" problem that occurs when non-members receive benefits without contributing to the union's resources. The empirical evidence shows that the economic opportunities that unions provide are

substantially greater in those states where the fair share rule is in place.

This case involves a public sector worker who seeks to avoid paying his fair share of the cost of his representation by contending that to do so would violate his First Amendment rights. Nearly 40 years ago, this Court held in *Abood* that a rule requiring workers to pay their fair share of their union representation was an appropriate safeguard against free riding that was consistent with the First Amendment. However, long before the Court affirmed the lawfulness of fair share fees in *Abood*, unions bargained for and included fair share provisions in collective bargaining agreements. Thus, for decades, fair share provisions have been incorporated as an essential element into thousands of collective bargaining agreements across the country, including many collective bargaining agreements between state and local governments and their employees.

For nearly 40 years, state and local governments, public sector workers, and their unions have all relied on this Court's clear holding in *Abood*, which the Court has repeatedly reaffirmed. Most recently, this Court expressly declined to overrule *Abood* in *Harris v. Quinn*, 134 S. Ct. 2618 (2014), and an equally divided Court confirmed *Abood* as the law of the land after hearing argument in *Friedrichs v. California Teachers Ass'n*, 136 S. Ct. 1083 (2016) (*per curiam*). Overturning *Abood* would potentially threaten the opportunities that millions of working people and their families have relied upon for decades by burdening unions with the costly task of representing non-members without receiving

any contribution for the services that the union provides to everyone in the bargaining unit. In short, this is a case where the values of *stare decisis* are at their peak.

The Constitution permits states to establish their own systems of labor relations with respect to employees, and states that have chosen public sector unions have generated important benefits, supported by the fair share fee system. *Amici* thus urge this Court to reaffirm *Abood* so that all those whose lives are improved by public sector unions—including women and people of color—may continue to reap the many benefits that unionization has provided, such as greater opportunities for economic advancement and increased workplace equality across the board.

ARGUMENT

I. The Public Sector Professions Are a Source of Opportunity and Dignity for Workers, Including Women and People of Color.

A. Women and People of Color Comprise a Significant Proportion of Public Sector Workers and Union Membership.

1. The public sector has been an important source of opportunity for workers, and especially for women and people of color, since the mid-twentieth century. *See* Annie Lowery, *Where Did the Government Jobs Go?*, N.Y. Times Magazine, May 1, 2016, at MM64 (describing the "series of legal and legislative decisions" that increased the number of black workers employed by the federal government and federal government contractors); News Release, Deborah Bach, Univ. of Wash., *Blacks Hit Hardest by Public-Sector Job Losses*

During Recession, Study Finds (Aug. 24, 2015) (describing how "[p]residential executive orders and legal decisions starting in the 1940s opened the door to public-sector jobs" for black and female workers). Sociologist Jennifer Laird has found that the public sector offered "better pay, job stability and more professional and managerial opportunities" to black and female workers. Patricia Cohen, *Public-Sector Jobs Vanish, Hitting Blacks Hard*, N.Y. Times, May 25, 2015, at A1. Today, women represent just under half of the unionized workforce, and if current trends continue, women will comprise over half of the unionized workforce within the next decade. *See* Janelle Jones, John Schmitt & Nicole Woo, Ctr. for Econ. & Policy Research, *Women, Working Families, and Unions* 8 (June 2014) ("2014 CEPR Study").

Historically, women and African Americans have made up a larger share of public employment at the state and local levels than they made up in the population as a whole. *See* David Cooper, Mary Gable & Algernon Austin, Economic Policy Institute, *The Public-Sector Jobs Crisis: Women and African Americans hit hardest by job losses in state and local governments*, Briefing Paper #339 1, 16 (May 2, 2012). African Americans are 30 percent more likely than non-Hispanic white workers to be employed in the public sector. Patricia Cohen, *Public-Sector Jobs Vanish, Hitting Blacks Hard*, N.Y. Times, May 25, 2015, at A1; *see also* Steven Pitts, UC Berkeley Labor Center, Research Brief: *Black Workers and the Public Sector* (Apr. 4, 2011).

Women are also disproportionately employed in public sector professions. According to the Department

of Labor, women are 50 percent more likely to work in the public sector than men, and 18.2 percent of all employed women work in public sector jobs. U.S. Dep't of Labor, *Women's Employment During the Recovery* 2 (May 3, 2011). The most common professions for women are those in the public sector, including elementary and middle school teachers. U.S. Dep't of Labor, Women's Bureau, *Most Common Occupations for Women* (last updated Apr. 2015) (2015 annual averages).

2. A substantial majority of the women in unions—over 60 percent as of 2013—are members of public sector unions. *See id.* Indeed, women constitute 55.5 percent of unionized public sector workers nationwide. *See* Kayla Patrick, Nat'l Women's Law Ctr., Fact Sheet: *Public Sector Unions Promote Economic Security and Equality for Women* 1 (Jan. 2018). In 2016, black women had the second-highest union representation rate, after black men, compared with other race and gender groups. U.S. Dep't of Labor, Bureau of Labor Statistics, Economic News Release, Table 1: *Union Affiliation of Employed Wage and Salary Workers by Selected Characteristics* (Jan. 26, 2017) (reporting that 13.6 percent of black women and 15.7 percent of black men in 2016 were represented by unions); *see also* Inst. for Policy Studies, *And Still I Rise: Black Women Labor Leaders' Voices / Power / Promise* 1 (2015) (noting the high unionization rate of black women in 2014). Black women have historically had higher unionization rates than other racial and ethnic groups. *See* 2014 CEPR Study at 11 (considering all unions, both public and private sector).

B. Public Sector Employment Is a Source of Dignity for Women and People of Color.

1. For working people who choose careers that serve their communities, public sector employment confers dignity derived from the opportunity to contribute to society. A life of service to others strongly correlates with a life of professional satisfaction. Employees in public sector professions are among those reporting high levels of satisfaction with their work. The General Social Survey (GSS), conducted by the National Opinion Research Center at the University of Chicago, found that 80 percent of firefighters reported being "very satisfied" with their jobs. *See* The Univ. of Chicago News Office, *Looking for Satisfaction and Happiness in a Career? Start by Choosing a Job that Helps Others* (Apr. 17, 2007).

Teachers and special education teachers were among the other top jobs for employee satisfaction. *Id.* As the director of this survey explained, "The most satisfying jobs are mostly professions, especially those involving caring for, teaching, and protecting others and creative pursuits." *Id.*[4]

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[4] *Amici Curiae* Buckeye Institute and Southeastern Legal Foundation suggest that greater unionization *causes* job dissatisfaction, pointing to studies discussing *correlations* between the two. Brief of the Buckeye Institute for Public Policy Solutions and Southeastern Legal Foundation as *Amici Curiae* in Support of Petitioners 14–15. But as one of *amici*'s own sources points out, the correlation disappears when comparing union and non-union workers in the public sector who are covered by the same collective bargaining agreement—the situation at issue in this case. *See* Michael E. Gordon & Angelo S. Denisi, *A Reexamination of the*

2. It is no surprise that public servants find dignity, pride, and satisfaction in their work. Public sector workers provide valuable contributions to society and are crucial for our civic life. Firefighters, emergency medical responders, nurses, and teachers dedicate their careers to serving the public. These professions provide the opportunity to serve others and are a source of dignity and pride for their practitioners.

This Court has recognized the important contributions of public sector workers in professions including firefighting and teaching. *See Ricci v. DeStefano*, 557 U.S. 557, 561–62 (2009) (stating that firefighters promoted to the officer ranks "command respect within the department and in the whole community"); *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 29–30 (1973) (reaffirming the "vital role of education in a free society").

3. Indeed, many Americans recognize the importance of workers in public sector occupations and have great respect for the work they do. Public opinion polls demonstrate the high regard in which Americans hold these professions. A recent survey conducted by The Harris Poll ranked firefighters, nurses, emergency medical technicians, police officers, and teachers within the top 11 of 30 professions and occupations. *See* The

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Relationship Between Union Membership and Job Satisfaction, 48 Indus. & Lab. Rel. Rev. 222, 228, 231–33 (1995). Moreover, *amici*'s sources confirm that unions deliver better wages, benefits, and job security for the workers they represent. *See* Jane H. Lillydahl & Larry D. Singell, *Job Satisfaction, Salaries and Unions: The Determination of University Faculty Compensation*, 12 Econ. Educ. Rev. 233, 233, 242 (1993).

Harris Poll, http://media.theharrispoll.com/documents/Prestigious+Occupations_Data+Tables.pdf. A Pew Research Center poll, which surveyed attitudes of Americans on ten occupational groups, found that 72 percent of respondents said that teachers contribute "a lot" to society (ranking teaching second only to the military, which 78 percent of respondents said contributed "a lot"). *See* Pew Research Center, *Public Esteem for Military Still High* (July 11, 2013).

Similarly, when asked to rank the honesty and ethical standards of various professions, the percentage of Gallup poll respondents who selected "high" or "very high" was 90 percent when asked about firefighters, 84 percent for nurses, and 70 percent for grade school teachers. *See Gallup Historical Trends: Honesty/Ethics in Professions*, Gallup, Nov. 2017 (reporting polling data from 2016 for nurses; 2013 for grade school teachers; and 2001 for firefighters); *see also* Rebecca Riffkin, *Americans Rate Nurses Highest on Honesty, Ethical Standards*, Gallup News, Dec. 18, 2014 ("American have been asked to rate the honesty and ethics of various professions annually since 1990, and periodically since 1976. Nurses have topped the list each year since they were first included in 1999, with the exception of 2001 when firefighters were included in response to their work during and after the 9/11 attacks.").

II. The Fair Share Rule Plays a Key Role in Enabling Unions to Create Economic Opportunities for All Members of the Bargaining Unit, Regardless of Union Membership.

The workers that serve in these important public sector professions often benefit from and rely upon the

opportunities and protections that are obtained through representation by public sector unions. Striking down the fair share rule will jeopardize public sector unions' ability to provide these opportunities and protections. States are "free to regulate their labor relationships with their public employees," *Davenport v. Washington Education Ass'n*, 551 U.S. 177, 181 (2007). This includes the freedom to choose the process by which they will set their employees' wages, benefits, and conditions of employment. For decades, Illinois and other states have chosen to do this by engaging in collective bargaining.

1. Under Illinois's collective bargaining framework, a majority of public employees in a "bargaining unit" (*e.g.*, all firefighters or all teachers) can choose to have a union represent them in negotiations with their employer. 5 ILCS 315/9. The union then becomes the unit's "exclusive bargaining representative," meaning that it is the only entity that can negotiate a collective bargaining agreement with the employer on hours, wages, benefits, and working conditions. 5 ILCS 315/6(c).

Employees in the bargaining unit may choose, but are not required, to join the union. Regardless of union membership, Illinois requires public sector unions to represent the interests of *every* employee in the bargaining unit. 5 ILCS 315/6(d). Thus the benefits of a collective bargaining agreement—the wages, benefits, and working conditions such as hours and schedules the union has bargained for—apply to union members *and* non-members alike. The union has a duty to represent all workers in the collective bargaining unit equally, whether or not the workers are members of the union.

The union administers the agreement and enforces its terms on behalf of both members and non-members. And if an employee in the bargaining unit has a grievance with their employer, they may request that the union represent them throughout the grievance process regardless of whether they are a union member. *Id.*

2. The union's work benefits all employees in the bargaining unit, and this work is costly. The benefits and protections obtained by the union require complex negotiation from skilled advocates. This Court has recognized that "[t]he tasks of negotiating and administering a collective-bargaining agreement and representing the interests of employees in settling disputes and processing grievances are continuing and difficult ones," which "often entail expenditure of much time and money." *Abood*, 431 U.S. at 221 (noting that it may be necessary for the union to hire "[t]he services of lawyers, expert negotiators, economists, and a research staff, as well as general administrative personnel").

This reality has not changed since this Court decided *Abood*. In order to perform its important tasks—*i.e.*, in order to effectively bargain, provide representation in grievance procedures, advocate against discrimination, and ensure pay transparency and equity—the unions have long been allowed to bargain for fair share provisions in order to fairly distribute the cost of its activities among those who benefit.

Because all employees in a bargaining unit reap the benefits of union representation, Illinois and other states have recognized that it is only fair that all employees should share the cost of securing these benefits. To

prevent "free riding"—which occurs when some employees accept the benefits but refuse to pay the costs—Illinois allows public employers to include a fair share provision in their collective bargaining agreements. 5 ILCS 315/3(g), 315/6(a). Under the fair share rule, all employees pay a fee out of their paychecks equal to "their proportionate share of the costs of the collective bargaining process, contract administration and pursuing matters affecting wages, hours and conditions of employment." 5 ILCS 315/6(e).

The Court explained in *Abood* that the fair share rule avoids the free-rider problem by distributing the cost of such representation among all who benefit, not only union members. *Abood*, 431 U.S. at 221–22. And as Justice Scalia previously recognized, "[w]here the state imposes upon the union a duty to deliver services, it may permit the union to demand reimbursement for them; or, looked at from the other end, where the state creates in the nonmembers a legal entitlement from the union, it may compel them to pay the cost." *Lehnert v. Ferris Faculty Ass'n*, 500 U.S. 507, 556 (1991) (Scalia, J., concurring in judgment in part and dissenting in part).

3. Some states that engage in collective bargaining with their employees require unions to bargain on behalf of all employees, but nevertheless prohibit the use of fair share clauses in collective bargaining agreements. *See, e.g.*, Catherine Fisk & Benjamin I. Sachs, *Restoring Equity in Right to Work Law*, 4 UC Irvine L. Rev. 857, 858 (2014). In these so-called "right-to-work" states, non-members are allowed to receive all of the benefits of union representation while paying none of the costs. This arrangement shifts the burdens of collective

bargaining entirely onto the backs of union members. Ultimately, this deprives the union of the resources it needs to represent employees' interests in the collective bargaining process, resulting in lower wages, lower quality benefits, and worse employment conditions.

The evidence shows that workers earn less in states that do not allow fair share provisions. In "right-to-work" states, wages are on average approximately 3 percent lower—for everyone, not just unionized workers—than wages in non-right-to-work states, even when controlling for worker characteristics and state labor market conditions. *See* Heidi Shierholz & Elise Gould, Economic Policy Institute, *The Compensation Penalty of "Right-to-Work" Laws*, Briefing Paper #299 1, 5, 8 (Feb. 17, 2011); *see also* Elise Gould & Will Kimball, Economic Policy Institute, *"Right-to-Work" States Still Have Lower Wages*, Briefing Paper #395 2 (Apr. 22, 2015). Those lower wages are more pronounced for women in particular. Wages in right-to-work states were 4.4 percent lower for women who work full time and year round than in non-right-to-work states (a greater drop than the 1.7 percent lower wages for men who worked full time and year round). *See* Economic Policy Institute Briefing Paper #299 at 6.

III. The Benefits Obtained Under the Fair Share Rule Have Provided a Critical Path to the Middle Class, Particularly for Workers Who Are Women and People of Color.

Women and people of color workers face barriers to a fair and just workplace based on factors including pay inequities, unfair scheduling practices, lack of access to healthcare, and civil rights violations. In this context,

unions help remedy these conditions for workers generally and benefit women and people of color workers in particular.

A. Women and People of Color Face Barriers that Prevent Them from Accessing the Economic Opportunities that Provide Security and Dignity to the Middle Class.

1. Women and people of color often experience significant barriers in employment, including unequal pay and unpredictable schedules. Indeed, in 2015, women who worked full time, year-round in the United States were paid only 80 cents for every dollar paid to their male counterparts. *See* Nat'l Women's Law Ctr., Fact Sheet: *FAQs About the Wage Gap* 1 (Sept. 2016) (relying on data from the U.S. Census Bureau) (comparing median earnings by women in full-time, year-round employment with median earnings by men in full time, year-round employment).

The wage gap has changed very little since 2007 and, projecting this wage differential across time, women earn $10,086 less annually in median earnings—which would mean $403,440 less in earnings over the course of a 40-year career. *See* Nat'l Women's Law Ctr., Fact Sheet: *The Wage Gap: The Who, How, Why, and What To Do* 1, 2 (Sept. 2017) (relying on data from the U.S. Census Bureau); *see also* Nat'l Women's Law Ctr., Fact Sheet: *Women and the Lifetime Wage Gap: How Many Woman Years Does It Take To Equal 40 Man Years?* (Mar. 2017) (relying on data from the U.S. Census Bureau).

This wage gap reflects a number of factors including lower pay for women within the same jobs, overrepresentation of women in lower-paying jobs, underrepresentation of women in higher-paying jobs, bias against women with caregiving responsibilities, and workplace policies that impose long-term economic penalties on workers who take time out of the workforce to care for their families. NWLC, *FAQs About the Wage Gap* at 1.

2. People of color also suffer from a substantial gap in earnings. African American, Native Hawaiian and Pacific Islander, Native, and Hispanic women experience greater wage gaps—63 cents, 59 cents, 57 cents, and 54 cents for every dollar paid to white, non-Hispanic men, respectively—than their white, non-Hispanic counterparts. *See The Wage Gap: The Who, How, Why, and What To Do* at 1; *see also* Kayla Patrick, Nat'l Women's Law Ctr., Fact Sheet: *Equal Pay for Latinas* (Oct. 2017) (relying on data from the U.S. Census Bureau and the U.S. Department of Labor, Bureau of Labor Statistics). Asian American women earn only 87 percent of the earnings of white, non-Hispanic men, but the wage gap is larger for some subgroups of Asian American women. *Id.*; *see also* Nat'l Women's Law Ctr., Fact Sheet: *The Wage Gap and Asian Women* (Mar. 2017) (relying on data from the U.S. Census Bureau and the U.S. Department of Labor, Bureau of Labor Statistics).

3. A wage gap also exists for African American, Native, and Hispanic men. In 2015, African American men typically earned 72 percent of what white, non-Hispanic men earned. Nat'l Women's Law Ctr., Fact

Sheet: *The Wage Gap is Stagnant for a Decade* 2 (Sept. 2016) (relying on data from the U.S. Census Bureau). Native American men earned only 66 percent of the earnings of white, non-Hispanic men. *Id.* For Hispanic men, the gap was even larger—62 percent. *Id.*

One of the factors influencing the gender wage gap is that women—many of whom are supporting families—are over-represented in the low-wage workforce. Despite making up slightly less than half of the overall workforce, women comprise nearly six in ten (58 percent) of the 26 million workers in low-wage occupations (defined as those that typically pay $11 per hour or less) and nearly seven in ten (69 percent) of the 7 million workers in lowest-wage occupations (defined as those that typically pay less than $10 per hour). *See* Jasmine Tucker & Kayla Patrick, Nat'l Women's Law Ctr., *Low-Wage Jobs are Women's Jobs: The Overrepresentation of Women in Low-Wage Work* 1 (Aug. 2017); Jasmine Tucker & Kayla Patrick, Nat'l Women's Law Ctr., *Women in Low-Wage Jobs May Not Be Who You Expect* 1 (Aug. 2017). This is particularly true for women of color: while white, non-Hispanic women are underrepresented in the low-wage workforce, black and Latina women are overrepresented. NWLC, *Women in Low-Wage Jobs* at 1.

B. Unions Increase Opportunities for Earnings Parity for Women and People of Color.

Unions are engines of earnings parity for women and people of color. Wages for women union members are not only higher than their non-union counterparts, they

are closer to those of male co-workers. In some instances, those effects are even greater for women of color who are union members.

1. As an initial matter, the union wage benefit for women is larger than the union wage benefit for men. Katherine Gallagher Robbins & Andrea Johnson, Nat'l Women's Law Ctr., Fact Sheet: *Union Membership is Critical for Equal Pay* 2 (Feb. 2016). Unionized women can earn on average 13 percent, or about $2.50 per hour, more than similarly situated non-union women. *See* 2014 CEPR Study at 1. Weekly median earnings for union women are $904 while non-union women earn $687. NWLC, *Union Membership is Critical* at 2 (relying on data from the U.S. Department of Labor, Bureau of Labor Statistics and other sources). And female union members who work full time typically make 33 percent more than female non-union workers, which is larger than the 17 percent earnings premium unionized men receive. NWLC, *Union Membership is Critical* at 2. Unionized women working in the public sector typically make 15 percent more than non-unionized women working in the public sector, which translates to an additional $6,500 annually. *See* NWLC, *Public Sector Unions* at 2. When considered over the course of a worker's career, these weekly disparities become even more significant.

2. The opportunities created by unions are especially significant for people of color. African American workers who are in unions earn higher wages than those who are not. *See* Catherine Ruetschlin, Dēmos & Dedrick Asante-Muhammad, NAACP, *The Retail Race Divide: How the Retail Industry is*

Perpetuating Racial Inequality in the 21st Century 33 (2015). African American workers who are represented by unions, regardless of whether they are union members or not, also receive higher wages than workers not represented by unions. In 2017, African American workers who were union members had median weekly earnings of $808, and non-union African American workers represented by unions had median weekly earnings of $807, in comparison to $646 in median weekly earnings for their non-union counterparts. *See* U.S. Dep't of Labor, Bureau of Labor Statistics, Economic News Release, Table 2: *Median Weekly Earnings of Full-time Wage and Salary Workers by Union Affiliation and Selected Characteristics* (Jan. 26, 2017).

This discrepancy is particularly notable for African American and Latina women union members. African American women union members make 29 percent more than African American women non-union members. NWLC, *Union Membership is Critical* at 2. Likewise, Latina union members typically make 44 percent more than Latina non-union members. *Id.* For Latino union workers overall, median weekly earnings are $811 in comparison to $573 for Latino non-union workers (a yearly difference of $12,376). AFSCME, *The Union Difference*, Mar. 23, 2017. For Asian American union workers, median weekly earnings are $979 in comparison to $948 (a yearly difference of $1,612) for Asian American non-union workers. *Id.*

3. Wages are not only higher for women in unions; they are also more equal. Looking at the workforce generally, women working full time, year-round in the United States are paid only 80 cents for every dollar paid

to their male counterparts. *See* NWLC, *FAQs About the Wage Gap* at 1 (comparing median earnings by women in full time, year-round employment with median earnings by men in full time, year round employment). Unions are associated with smaller wage gaps related to gender and race in part because they promote transparency in criteria and decisions on compensation, recruitment, and promotions. *See* Inst. for Women's Policy Research, *The Union Advantage for Women* 1 (Aug. 2015) ("IWPR Report"). Gender-based wage gaps persist throughout the economy, but the wage gap for union members is 53 percent smaller than the wage gap among non-union workers. NWLC, *The Wage Gap: The Who, How, Why, and What To Do* at 3.

While the gender wage gap for non-union workers is typically 20 cents for full-time workers, the wage gap for union members is typically 9 cents. NWLC, *Union Membership is Critical* at 1. The effect on the wage gap is particularly pronounced for public sector workers. For full-time, year-round unionized public sector workers, the gender wage gap (17 cents on the dollar) is also less than their non-unionized public sector counterparts (21 cents on the dollar). *See* NWLC, *Public Sector Unions* at 3.

The improvement in the wage gap for all union members is even greater still for some women of color. The wage gap between African American women and white men who work full time is 27 cents for union workers, but 34 cents for non-union workers. NWLC, *Union Membership is Critical* at 1. The wage gap between Latinas and white men who work full time is 26

cents for union workers, but 40 cents for non-union workers. *Id.*

4. Unions also improve wages for immigrant workers, with one study finding that unionized immigrant workers earned an average of $18.61 per hour compared to an average of $12.34 per hour for non-union immigrant workers. *See* John Schmitt, Ctr. for Econ. & Policy Research, *Unions and Upward Mobility for Immigrant Workers* 7 (Mar. 2010) ("2010 CEPR Study"). Even controlling for workers' demographic characteristics, the authors of the study found a union wage premium of 17.4 percent for immigrant workers, equivalent to over $2.00 per hour. *Id.* at 9.

C. Unions Provide Additional Benefits for Women and People of Color.

Unionized workplaces also offer better benefits for workers and their families, including health, retirement, and family leave benefits. Many of these benefits are particularly important to workers who are women or people of color.

1. Unionized workers are much more likely than non-unionized workers to have employer-sponsored pensions. *See* Econ. Policy Inst., Fact Sheet, *The Benefits of Collective Bargaining: An Antidote to Wage Decline and Inequality* (Apr. 14, 2015). Seventy-six percent of union workers participate in a guaranteed pension plan in comparison to only 16 percent of non-union workers. AFSCME, *The Union Difference*. Women in unions are also 53 percent more likely than non-unionized women to participate in employer-sponsored retirement plans. *See* 2014 CEPR Study at 1.

The difference in pension plan participation rates between unionized and non-unionized women ranges from about 27 percentage points for African American women to about 35 percentage points for Asian/Pacific Islander women. IWPR Report at 8.

2. Unions improve represented workers' access to health care and other health-related benefits, which is important for workers and for their entire families. While 85 percent of union workers have paid sick leave, only 62 percent of non-union workers have paid sick leave. AFL-CIO, *The Union Difference for Working Families 2015*. Unionized workers are 28.2 percent more likely than non-unionized workers to be covered by health insurance sponsored by their employer. *See* Econ. Policy Inst., Fact Sheet. Employers in union workplaces also typically cover a higher share of workers' health insurance costs. *See* 2014 CEPR Study at 17. Women in unions are 36 percent more likely than women who are not union members to receive health insurance from their job. *See id.* at 1.

3. Public sector workers who are represented by unions are also more likely to have health insurance than their non-unionized counterparts, and this is especially true for women working in the public sector. *See* NWLC, *Public Sector Unions* at 5. While 76.8 percent of women working in the public sector who are represented by unions are policyholders for an employer-based health insurance plan, only 61.2 percent of their non-unionized counterparts are policyholders, a difference of 15.6 percentage points. *Id.* For unionized public sector workers, the gender gap in employer-based health insurance is also one-third smaller: the public

sector gender gap between the share of women and men who are policyholders for an employer-based health insurance plan is smaller for workers represented by unions (7.9 percentage points) than for their non-unionized counterparts (12.3 percentage points). *Id.* at 5. These benefits enable women to support their families, afford health care, and plan for their retirement.

4. Women who are unionized workers have greater employment security when faced with changing family responsibilities or unexpected health crises. Unionized workplaces are 22 percent more likely than non-union workplaces to provide parental leave, and are 12 percent more likely to allow women to take leave during pregnancy. *See* 2014 CEPR Study, at 1–2. Union workplaces are also 16 percent more likely to allow workers to take medical leave for their own illness and 19 percent more likely to allow workers to take leave for a family member's illness. *See id.* These benefits are especially important for women, who often care for children or for ailing family members.

Unions also advocate for benefits that enable women to better balance paid employment with family responsibilities. For unionized women who take parental leave, their leave is 13 percent more likely to be paid when compared to leave taken by non-union women. *Id.* at 20–21. Another study reports an even higher union advantage for hourly workers, concluding that "[h]ourly workers in unions were 59 percent more likely to receive fully paid or partially paid family leaves" than hourly workers not in unions. *Id.* Indeed, women in the low-wage workforce are more likely to be

supporting children than men in the low-wage workforce. NWLC, *Low-Wage Jobs are Women's Jobs* at 3. For women who care for children or for family members who are elderly or ill, unpredictable or unstable work schedules pose a serious obstacle to their ability to support their families.

5. Unions can and do bargain for improved workplace conditions and more stable, predictable work schedules, thereby allowing both women and men to balance the demands of paid work and family. This is particularly important for women, who make up two-thirds of the low-wage workforce that is often characterized by unpredictable scheduling practices. Nat'l Women's Law Ctr., Fact Sheet: *Bargaining for Schedule Fairness* 1 (Sept. 2015). Uncertainty regarding shift times, demands placed by schedules that require workers to be "on-call," and inconsistency in the number of hours or shifts available are barriers to women seeking to secure child care, pursue their education, or meet their regular financial obligations, much less plan for their financial futures. *See* Nat'l Women's Law Ctr., *Collateral Damage: Scheduling Challenges For Workers In Low-Wage Jobs And Their Consequences* 1–5 (Apr. 2017).

Unions have addressed schedule unpredictability, lack of worker control over schedules, and involuntary part-time work. *See* NWLC, *Bargaining for Schedule Fairness* at 1–2. Such improvements include posting changes to work schedules in advance and notifying affected workers of schedule changes as soon as possible. *Id.* Unionized workers have also negotiated for policies that require minimum pay if a worker is called in,

prohibit mandatory overtime, or permit alternative work schedules. *Id.*

6. Unions advocate for improved workplace conditions and provide an important voice for workplace safety—not only in union workplaces but industry-wide. In areas or industries with high union representation, "unions can exert upwards pressure on industry standards across-the-board." *See* Amy Traub, David Callahan & Tamara Draut, Dēmos, *Millions to the Middle: 14 Big Ideas to Build a Strong & Diverse Middle Class* 38 (2012). For instance, unions can advocate for safe staffing in hospitals, even if a state does not have safe staffing laws, which is important for both worker and patient safety. Unions can advocate for safer physical spaces, such as necessary repairs in a school classroom. Unions also protect workers from retaliation if they report dangerous workplace conditions, such as unsafe physical spaces or staffing levels, or harassment. *See, e.g.*, Jean Ross, *In The Hospital: Organize with a Union Contract, in The One Best Idea for Ending Sexual Harassment*, Wash. Post, Dec. 8, 2017 (describing how union contracts allow nurses, the vast majority of whom are women and many of whom work in isolation during irregular hours, to report sexual misconduct or other unsafe workplace conditions without fear of retribution).

7. Finally, unions provide important benefits such as professional development and training, which empower workers to progress in their careers and realize their full potential. *See, e.g.*, Josh Bivens, et al., Econ. Policy Inst., *How Today's Unions Help Working*

People: Giving Workers the Power to Improve Their Jobs and Unrig the Economy 17 (Aug. 24, 2017).

D. Unions Provide Important Protections for Workers, Including Protections against Discrimination.

Unions frequently bargain for protections that enable workers to participate in the workforce with dignity, without fear of discrimination, and with the fair opportunity to realize their potential and advance their careers.

1. For several decades, unions have had an opportunity to play a vital role in combating discrimination, especially on the basis of race and gender, as well as fostering integration and diversity in the workplace and throughout the country. When discriminatory acts and practices do arise, union representatives can be the first line of defense in terms of implementing legal protections and helping their members navigate civil rights and labor laws. *See, e.g.*, AFSCME, *Stopping Sexual Harassment: An AFSCME Guide*.

2. Unions also provide better benefits for workers who are immigrants. For instance, one study found that 73.4 percent of unionized immigrant workers have health insurance, compared to 43.6 percent of non-unionized immigrant workers. 2010 CEPR Study at 7. Similarly, 61 percent of unionized immigrant workers have retirement plans, in comparison to 38.7 percent of non-union immigrant workers. *Id.* Unionization also improves benefits for immigrant workers who work in low-wage occupations. *Id.* at 8, 10. These benefits

enable workers to support their families and provide stability, even in the face of unexpected health emergencies, and plan for retirement.

3. Unions also advocate for workers with disabilities, who continue to face challenges to inclusion in the workplace. *See, e.g.*, AFSCME, *Fighting for the Rights of Employees with Disabilities: An AFSCME Guide*; Serv. Emps. Int'l Union, *Justice for All: Improving Employment Programs for Workers with Disabilities* (July 22, 2015). Unions can bargain for provisions that ensure ADA compliance and anti-discrimination provisions in collective bargaining agreements.

4. Unions also provide greater opportunities for LGBTQ workers to support their families. While 53 percent of state and local workers represented by unions had access to health care coverage for same-sex domestic partners, only 17 percent of non-union state and local workers had this access. Crosby Burns, Kate Childs Graham & Sam Menefee-Libey, Ctr. for Am. Progress, *Gay and Transgender Discrimination in the Public Sector: Why It's a Problem for State and Local Governments, Employees, and Taxpayers* 15 (2012). Only 29 percent of private-sector workers, both union and non-union, had access to health care coverage for same-sex domestic partners. *Id.* The same study reports that 57 percent of state and local union workers had access to survivor benefits in retirement for same-sex domestic partners, in comparison with only 47 percent of non-union public sector workers. *Id.*

More general workplace protections are particularly important in the context of discrimination on the basis of

sexual orientation and gender identity. *See, e.g.*, Brad Sears & Christy Mallory, *Employment Discrimination Against LGBT People: Existence and Impact, in Gender Identity and Sexual Orientation Discrimination in the Workplace* 40-3 to 40-12 (Christine Michelle Duffy & Denise M. Visconti eds., 2014). Yet LGBTQ workers do not have consistent and universal legal protections against discrimination based on their sexual orientation or gender identity. Only 20 states and the District of Columbia prohibit discrimination on both grounds for all employees. *See* ACLU, *Non-Discrimination Laws: State by State Information – Map*, https://www.aclu.org/map/non-discrimination-laws-state-state-information-map. LGBTQ workers also face a patchwork of protections under federal law that may or may not apply to their factual circumstances.[5]

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[5] Although there is a growing consensus that federal civil rights laws that prohibit discrimination on the basis of sex also prohibit discrimination on the basis of sexual orientation and gender identity, *e.g.*, *Hively v. Ivy Tech Cmty. Coll. of Indiana*, 853 F.3d 339 (7th Cir. 2017) (discussing case law); *Whitaker ex rel. Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034 (7th Cir. 2017), *petition for cert. filed*, 86 U.S.L.W. 3089 (U.S. Aug. 25, 2017) (No. 17-301), at least one circuit has held that Title VII does not include protections based on sexual orientation and another has concluded that discrimination against a transgender person does not constitute discrimination based on sex. *Evans v. Georgia Reg. Hosp.*, 850 F.3d 1248 (11th Cir. 2017), *cert. denied*, No. 17-370, 2017 WL 4012214 (U.S. Dec. 11, 2017); *Etsitty v. Utah Transit Auth.*, 502 F.3d 1215 (10th Cir. 2007). Given this legal framework, unions remain instrumental in securing critical anti-discrimination protections for LGBTQ workers based on sexual orientation and gender identity across the country.

Unions, however, have frequently bargained to protect LGBTQ workers. For example, within the American Federation of State, County, and Municipal Employees, which is a party to this case, over 1,000 union contracts prohibit discrimination based on sexual orientation, and many include gender identity language. Ctr. for Am. Progress, *Gay and Transgender Discrimination* at 15. As a result, the grievance procedures established through unions frequently provide the primary (or sole) recourse for workers who face discrimination because of their sexual orientation or gender identity. Anti-discrimination provisions in collective bargaining agreements benefit workers even in jurisdictions that do provide legal protections because they channel fact-dependent claims into efficient dispute resolution mechanisms.

5. For decades, unions have fought to preserve opportunities for and protect the rights of all working people, including in landmark cases decided by this Court. Unions have advocated in court for workers who experienced discrimination or were seeking information necessary to identify and address discrimination. *See Int'l Union of Elec., Radio & Machine Workers, AFL-CIO-CLC v. NLRB*, 648 F.2d 18 (D.C. Cir. 1980); *AFSCME v. Cty. of Nassau*, 664 F. Supp. 64 (E.D.N.Y. 1987). Unions have stood with members of the LGBTQ community in their struggle for respect and dignity. *See* Brief for AFL-CIO, et al. as *Amici Curiae* Supporting Petitioners, *Obergefell v. Hodges*, 135 S. Ct. 2584 (2016) (No. 14-556), 2015 WL 1222077. They have advocated for women's right to be free from harassment and discrimination in the workplace. *See, e.g.*, Brief for AFL-

CIO et al. as *Amici Curiae* Supporting Respondent; *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986) (No. 84-1979), 1985 WL 669774 (recognizing hostile work environment claims under Title VII). And they have advocated to preserve diversity and affirmative action programs that create fair opportunities for women and people of color to achieve economic prosperity. *See, e.g.*, Brief for the National Education Association, American Federation of State, County and Municipal Employees, et al. as *Amici Curiae* Supporting Respondents, *Fisher v. University of Texas at Austin*, 570 U.S. 297 (2013) (No. 14-981), 2015 WL 6754977; Brief for AFL-CIO as *Amicus Curiae* Supporting Respondent, *Johnson v. Transportation Agency*, 480 U.S. 616 (1987) (No. 85-1129); Brief for United Steelworkers of America and AFL-CIO as *Amici Curiae* Supporting Petitioners, *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971) (No. 124).

In sum, unions—and public sector unions in particular—provide a path to equality of economic opportunity for all workers, including women, people of color, immigrant workers, workers with disabilities, and LGBTQ workers. In every important respect—wages, benefits, workplace safety, schedule predictability and flexibility—unions bargain for greater economic opportunity and equality for all workers.

IV. *Abood* Should Not Be Overruled in Light of These Substantial Benefits

Petitioner asks this Court to overrule *Abood*, despite the fact that it has been the law for nearly 40 years. This Court should reject that invitation, consistent with its past decisions, which have repeatedly affirmed and applied *Abood*'s core distinction between a union's

collective bargaining activity and its political advocacy. *See, e.g., Locke v. Karass*, 555 U.S. 207 (2009); *Ellis v. Brotherhood of Railway, Airline, & Steamship Clerks, Freight Handlers, Express & Station Employees*, 466 U.S. 435 (1984); *Lehnert*, 500 U.S. 507.

Changing course now would topple a central pillar of U.S. labor law: that a designated collective bargaining representative serves as the exclusive bargaining representative with a duty to fairly and equally represent all bargaining unit members, both union and non-union members. As the Court has long recognized, any intrusion on First Amendment interests that arises from being compelled to financially support their collective bargaining representatives in carrying out these duties is outweighed and "constitutionally justified" by the importance of the union shop to our labor relations system, which has been established by Congress. Just as Congress exercised its constitutionally delegated judgment in the private sector context, state legislatures have acted in an equivalent manner to establish their preferred labor relations systems for their own employees. This system has led to undeniable gains for all workers, particularly women and people of color, and including immigrants, individuals with disabilities, and LGBTQ workers. For the Court to upend its well-established precedent in this area would undermine the reliance interests at stake here, which are none other than our entire labor relations system.

A. Fair Share Provisions Are Necessary to Prevent Free Riding and Preserve the Opportunities Provided by Public Sector Unions to All Workers.

1. As described above, the ability of unions to achieve these protections and benefits is threatened when workers are permitted to "free ride" by receiving the benefit of the union's bargaining without contributing to the costs of union representation. As this Court has recognized, fair share rules for non-members are necessary to avoid the free-rider problem where workers refuse to fund the union while benefiting from its activities. *See Abood*, 431 U.S. at 221; *see also Lehnert*, 500 U.S. at 556–57 (Scalia, J., concurring in judgment in part and dissenting in part).

Without these fair share provisions, free riding by non-members would dramatically weaken public sector unions, which would then be less able to provide the above-described benefits to both union and non-union members. *See, e.g., Abood*, 431 U.S. at 221–22 ("A union-shop arrangement has been thought to distribute fairly the cost of these activities among those who benefit, and it counteracts the incentive that employees might otherwise have to become 'free riders' to refuse to contribute to the union while obtaining benefits of union representation that necessarily accrue to all employees"). The absence of fair share provisions would result in free ridership that was "not imposed by circumstances but mandated by government decree." *Lehnert*, 500 U.S. at 556 (Scalia, J., concurring in judgment in part and dissenting in part).

2. The economic consequences of eliminating the fair share provision—the free-rider problem—are easy to model. Unionization is lower in "right-to-work" states: 7.3 percent as compared to 17.5 percent in "fair share" states. Gould & Kimball, *"Right-to-Work" States Still Have Lower Wages.* Empirical evidence demonstrates the consequences of free riding with "[s]everal studies show[ing] that the level of free riding is higher in right-to-work states." *See* Matthew Dimick, *Labor Law, New Governance, and the Ghent System*, 90 N.C. L. Rev. 319, 354 & n.187 (2012). And as noted earlier, in states without fair share fees, wages are on average approximately 3 percent lower—for everyone, and women workers receive wages that are 4.4 percent lower than in non-right-to-work states. *See* Economic Policy Institute Briefing Paper #299 at 6.

B. *Stare Decisis* Considerations Are at Their Peak Given the Widespread Reliance on the *Abood* Rule.

1. In light of *Abood's* substantial benefits, the reliance interests in maintaining *Abood* are obvious and material both for the state legislatures which have referred to this decision when enacting legislation and for the millions of public sector workers—both union members and represented non-members—who have benefitted from the equality of economic opportunity the rule helps support. Both state legislatures and public employees have relied on the principles set forth in *Abood* in ordering their economic affairs.

As this Court has repeatedly explained, *stare decisis* "fosters reliance on judicial decisions." *Payne v. Tennessee*, 501 U.S. 808, 827 (1991) (citing authority).

The principle of *stare decisis* "is of fundamental importance to the rule of law" because it "promotes stability, predictability, and respect for judicial authority." *Hilton v. S.C. Pub. Rys. Comm'n*, 502 U.S. 197, 202 (1991) (internal quotation marks omitted). This Court has recognized that *stare decisis* has significantly added force "when the legislature, in the public sphere, and citizens, in the private realm, have acted in reliance on a previous decision." *Hilton*, 502 U.S. at 202.

This Court has also explained that "[c]onsiderations in favor of *stare decisis* are at their acme in cases involving property and contract rights, where reliance interests are involved." *Payne*, 501 U.S. at 828. This is, as the Court has elaborated, "because parties are especially likely to rely on such precedents when ordering their affairs." *Kimble v. Marvel Entm't., LLC*, 135 S. Ct. 2401, 2410 (2015). For this reason, the Court should proceed cautiously based on the sheer volume of contracts which would be upended by overturning *Abood*. *See Citizens United v. FEC*, 558 U.S. 310, 365 (2010) (holding that "reliance interests are important considerations in property and contracts cases, where parties may have acted in conformance with existing legal rules in order to conduct transactions.")

2. If this Court were to overturn *Abood*, it would be disrupting the established norms and expectations of state legislatures around the country. Over 20 states have adopted collective bargaining systems that provide for agency fees and that resemble the agency shop agreements at issue here. Overruling *Abood* would do more than invalidate the choices of individual state legislatures to implement a particular legal regime in

their state; it would also disrupt established principles of how states structure and negotiate collective bargaining agreements with their employees. In the absence of these fair share provisions, it is not clear how states that want to maintain the benefits of public sector unions would revise their labor laws. At a minimum, revisiting *Abood* would force at least 23 jurisdictions to renegotiate the terms of thousands of employment contracts and disrupt established contractual rights and benefits that states have bargained for.

3. This case would also affect the nearly eight million individuals represented by public sector unions. Overruling *Abood* would cause turbulence in many of society's most important professions, including public safety, education, and medicine. These individuals have chosen to dedicate themselves to careers serving the public. Millions of public sector workers, including many women and people of color, rely on the contracts negotiated by these unions to confer benefits that help support individual employees, their families, and their communities as a whole. Employees contracting with their employers through an agency-shop system have won a contractual right to higher and more stable wages and to employer-provided healthcare—a right in reliance of which individual employees have organized their career goals, their families, and their personal finances.

4. Calling *Abood* into question would not only disrupt existing contracts, it would significantly impair the capacity of unions to engage in collective bargaining to secure the same kinds of benefits in the future. In particular, it would disrupt the reasonable expectation

of thousands of public sector employees that they can obtain the basic economic opportunities obtained through union representation—equal opportunity, fair wages, pay transparency, affordable health insurance, job security, predictable grievance procedures and grievance representation, pensions, and other benefits, both through existing employment contracts and into the future.

5. Under *Abood*, States are not required to implement a fair share regime. States that have chosen this system have done so because they judged it to be the most efficient and mutually beneficial way to organize employees who provide often essential public services. While legislatures may typically lack the capability to "legislate around" constitutional issues, this problem does not arise here. When a state has chosen to establish a labor relations system with public sector unions, in the interests of a productive and satisfied workforce that provides important services to taxpayers, there is little basis for disturbing the balance established by the fair share principle in *Abood*. Overturning *Abood* would cause disarray and uncertainty about the validity of thousands of collective bargaining agreements and could undermine the existing system that applies to millions of employees and has made public sector jobs a gateway for women and people of color to security, equality, and dignity.

CONCLUSION

For the foregoing reasons, *amici* urge this Court to affirm the judgment below and reject Petitioner's call to overturn the Court's precedent in *Abood*.

Respectfully submitted,

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APPENDIX

APPENDIX A: ADDITIONAL *AMICI CURIAE*

Additional *amici curiae* include:

A Better Balance is a national legal advocacy organization dedicated to promoting fairness in the workplace and helping employees meet the conflicting demands of work and family. A Better Balance works around the country with our union partners to strengthen and pass protections for workers on a range of issues, including paid leave, employment nondiscrimination, fair scheduling, and equal pay. Through its legal clinic, A Better Balance also provides direct services and legal assistance to low-income workers on these issues.

Alliance for Justice ("AFJ") is a national association of over 100 organizations committed to progressive values and the creation of an equitable, just, and free society. AFJ works to ensure that the federal judiciary advances core constitutional values, preserves human rights and unfettered access to the courts, and adheres to the even-handed administration of justice for all Americans.

The American-Arab Anti-Discrimination Committee ("ADC") is a nonprofit, grassroots civil rights organization committed to defending the rights of people of Arab descent and promoting their rich cultural heritage. Founded in 1980 by U.S. Senator James Abourezk, ADC is non-sectarian and non-partisan. With members from all fifty states and chapters nationwide, ADC is the largest Arab-American grassroots

organization in the United States. ADC protects Arab-American and immigrant communities against discrimination, racism, and stereotyping, and it vigorously advocates for employee rights and civil rights.

Asian Americans Advancing Justice | AAJC ("Advancing Justice | AAJC") is a national nonprofit organization working to advance and protect civil and human rights for Asian Americans and to build and promote a fair and equitable society for all. Advancing Justice | AAJC is one of the nation's leading experts on issues of importance to the Asian American community, including immigration and immigrants' rights. Advancing Justice | AAJC works to promote justice and bring national and local constituencies together through community outreach, public policy advocacy, and litigation.

Asian Pacific American Labor Alliance, AFL-CIO ("APALA") is the first and only national organization of Asian American and Pacific Islander ("AAPI") workers, most of whom are union members and our allies, to educate, represent, organize, and activate AAPI workers and communities. As a membership based organization, APALA has over 20 chapters nationwide and serves as a bridge connecting the AAPI community and the broader labor movement. Founded in 1992, APALA has a 25-year track record of fighting for union members and workers' rights to organize and collectively bargain.

Atlanta Women for Equality is a nonprofit organization dedicated to providing free legal advocacy to women and girls facing sex discrimination in the

workplace or school and to helping our community build employment and educational environments according to true standards of equal treatment.

California Women Lawyers ("CWL") is a non-profit organization that was chartered in 1974. CWL is the only statewide bar association for women in California and maintains a primary focus on advancing women in the legal profession. Since its founding, CWL has worked to improve the administration of justice, to better the position of women in society, to eliminate all inequities based on sex, and to provide an organization for collective action and expression germane to the aforesaid purposes. CWL has also participated as *amicus curiae* in a wide range of cases to secure the equal treatment of women and other classes of persons under the law.

The Center for Law and Social Policy ("CLASP") is a national, non-partisan, non-profit organization advancing policy solutions for low-income people. For nearly 50 years, our deeply knowledgeable staff has lifted up the voices of low-income children, families, and individuals; equipped advocates and organizers with policy ideas that work; built coalitions and partnerships to advance a bold vision; and helped public officials put good ideas into practice. CLASP works to develop and implement federal, state, and local policies (in legislation, regulation, and on the ground) that reduce poverty, improve low-income people's lives, and create pathways to economic security for everyone. Through high-quality analysis grounded in data and on-the-ground experience, effective advocacy, a strong public voice, and hands-on technical assistance, CLASP

develops and promotes new ideas, mobilizes others, and provides guidance to government leaders and advocates to help them implement strategies that deliver meaningful results to people across America.

The Center for Popular Democracy ("CPD") is a high-impact national network of community organizations that builds organizing power to transform the local and state policy landscape through deep, long-term partnerships with leading community-based organizing groups, networks, and progressive unions nationwide. CPD and its affiliates advance economic justice policy solutions that raise the standard of living for all working families, including a robust minimum wage, earned sick and family leave, fair workweek protections and wage theft prevention laws.

The Center for Reproductive Rights is a global advocacy organization that uses the law to advance reproductive freedom, an essential predicate of gender equality and full participation in social and economic life. In the United States, the Center's work focuses on ensuring that all people have access to a full range of high-quality reproductive and maternal health care. Since its founding in 1992, the Center has been actively involved in nearly all major litigation in the U.S. concerning reproductive rights, in both state and federal courts. As a rights-based organization, the Center has a vital interest in ensuring that women have access to health care and other benefits essential to reproductive and maternal health.

The Center on Reproductive Rights and Justice at UC Berkeley School of Law seeks to realize reproductive rights and advance reproductive justice by

bolstering law and policy advocacy efforts, furthering scholarship, and influencing academic and public discourse. Our work is guided by the belief that all people deserve the social, economic, political, and legal conditions necessary to make genuine decisions about reproduction.*

Citizen Action of New York ("Citizen Action") is a non-profit, grassroots membership organization that advocates for social, racial, economic and environmental justice with thousands of members in New York State. Citizen Action has chapters or affiliates in eight regions of New York State: Long Island, New York City, the Hudson Valley, the Capital District (Albany), the Southern Tier (Binghamton), Central New York (Utica), the Finger Lakes (Rochester) and Western New York (Buffalo). Each is a vibrant local organization with local leadership, paid professional organizing staff, a local agenda and an active, diverse membership.

The Clearinghouse on Women's Issues ("CWI") is a non-profit membership organization established in 1974 to provide a channel for dissemination of information on national and international issues of interest to women. The mission of the Clearinghouse on Women's Issues is to address economic, health, educational, social, political and legal issues facing women and girls. CWI public forums are Washington, DC networking events to raise awareness and to act as a catalyst to move women and girls towards greater equity. CWI addresses concerns

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* Represented solely by the National Women's Law Center.

of diverse women at the local, national, and international levels.

Clergy and Laity United for Economic Justice ("CLUE") is a worker justice organization that works closely with public and private sector unions. As CLUE, we educate, organize, and mobilize the faith community to accompany workers and their families in their struggle for good jobs, dignity, and justice.

Coalition of Black Trade Unionists is a powerfully effective voice for Black Unionists built on a legacy of diversity that advocates for the rights of all black workers. We believe that true power comes from a united collective workforce.

The Coalition of Labor Union Women is a national membership organization based in Washington, DC with chapters throughout the country. Founded in 1974, it is the national women's organization within the labor movement which is leading the effort to empower women in the workplace, advance women in their unions, encourage political and legislative involvement, organize women workers into unions and promote policies that support women and working families. During our history we have fought against discrimination in all its forms, particularly when it stands as a barrier to employment or is evidenced by unequal treatment in the workplace or unequal pay. We advocate for fairness, equality of opportunity and upward mobility of women in the workplace.

Connecticut Citizen Action Group is a statewide membership organization dedicated to actively engaging

the residents of Connecticut in building a more democratic and just society.

Dēmos is a public policy organization working for an America where everyone has an equal say in our democracy and an equal chance in our economy. Dēmos has conducted extensive research and advocacy on economic inequality and on the importance of robust protection of workers' rights to the creation of a more just economy.

The **Equal Justice Society ("EJS")** is transforming the nation's consciousness on race through law, social science, and the arts. A national legal organization focused on restoring constitutional safeguards against discrimination, EJS's goal is to help achieve a society where race is no longer a barrier to opportunity. Specifically, EJS is working to fully restore the constitutional protections of the Fourteenth Amendment and the Equal Protection Clause, which guarantees all citizens receive equal treatment under the law. We use a three-pronged approach to accomplish these goals, combining legal advocacy, outreach and coalition building, and education through effective messaging and communication strategies. Our legal strategy aims to broaden conceptions of present-day discrimination to include unconscious and structural bias by using cognitive science, structural analysis, and real-life experience. Currently, EJS targets its advocacy efforts on school discipline, special education, and the school-to-prison pipeline, local service and municipal disparities, and inequities in the criminal justice system.

Equal Rights Advocates ("ERA") is a national non-profit civil rights organization dedicated to protecting

and expanding economic and educational access and opportunities for women and girls. Since its founding in 1974, ERA has litigated numerous class actions and other high-impact cases on issues of gender discrimination and civil rights. Through litigation and other advocacy efforts, ERA has helped to expand workplace protections and conferred significant benefits on large groups of women and girls. ERA also assists hundreds of individuals each year facing unfair, substandard, and unequal conditions on the job and at school through our free national Advice and Counseling program. ERA has participated as *amicus curiae* in scores of cases involving the interpretation and application of legal rules and laws affecting workers' rights and access to justice.

Equality California ("EQCA") is the nation's largest statewide lesbian, gay, bisexual and transgender queer civil rights organization with over 800,000 members. We bring the voices of LGBTQ people and allies to institutions of power in California and across the United States, striving to create a world that is healthy, just, and fully equal for all LGBTQ people. We advance civil rights and social justice by inspiring, advocating, and mobilizing through an inclusive movement that works tirelessly on behalf of those we serve. EQCA has an interest in promoting equal opportunity for LGBTQ people in employment, including by supporting organized labor.

Family Values @ Work is a national network of 27 state and local coalitions helping to spur the growing movement for family-friendly workplace policies such as paid sick days and paid family leave insurance.

The Feminist Majority Foundation ("FMF"), founded in 1987, is the largest feminist research and action organization dedicated to women's equality, reproductive health, and the empowerment of women and girls in all sectors of society. FMF engages in research and public policy development, public education programs, grassroots organizing projects, and leadership training and development programs. Through its work, FMF seeks to advance the legal, social, economic, and political equality of women with men and has been a strong advocate for collective bargaining, fair pay, education equity, and healthcare for all.

GLBTQ Legal Advocates & Defenders ("GLAD"), a non-profit legal organization, engages in litigation, public policy advocacy and education to create a just society free of discrimination based on gender identity, HIV status and sexual orientation. Since 1978, GLAD has represented lesbian, gay, bisexual and transgender ("LGBT") individuals and their families in all manner of cases in state and federal courts to establish our equal citizenship and freedom from discrimination in all aspects of life. GLAD has an abiding interest in advancing the dignity of, and opportunities for, every American worker.

The Impact Fund is a non-profit legal foundation that provides funding for impact litigation, offers innovative training and support, and serves as counsel in impact litigation across the country. The Impact Fund has served as counsel in a number of major civil rights class actions, including cases enforcing workers' rights and challenging employment discrimination, wage-and-hour

violations, lack of access for those with disabilities, and violations of fair housing laws.

In the Public Interest is a comprehensive research and policy center committed to promoting the values, vision, and agenda for the common good and democratic control of public goods and services.

We are committed to equipping citizens, public officials, advocacy groups, and researchers with information, ideas, and resources on best practices in government contracting and other types of public-private agreements. We help others better understand the impacts of privatization of public services and assets on democratic decision-making, public budgets, and quality public services.

Our goal is to ensure that government contracts and agreements and related public policies increase transparency, accountability, efficiency, and shared prosperity and opportunity through the provision of quality public goods, services, and assets.

The **International Action Network for Gender Equity and Law ("IANGEL")** is a non-profit organization dedicated to advancing gender equity and protecting the human and civil rights of women and girls, through peaceful legal means. IANGEL advances its mission by connecting the lawyers and legal associations willing to donate their skills and energy to organizations working to promote the cause of gender equality locally, nationally, and globally. IANGEL advocates for laws, policies, and practices that prevent all forms of gender discrimination, whether such discrimination directly or indirectly impacts the rights of women.

The **Japanese American Citizens League ("JACL")**, founded in 1929, is the nation's oldest and largest Asian American civil rights organization. As a non-profit and non-partisan membership based organization, JACL represents over 10,000 members nationally. JACL strives to promote a society that honors diversity by respecting values of fairness, equality, and social justice.

The **Jewish Council for Public Affairs** is the national voice for more than 125 local Jewish Community Relations Councils and Community Engagement Committees, and 16 national Jewish agencies. Its mandate is to advance the interests of the Jewish people and to promote a just American society.

Jobs With Justice is a national network of 36 local coalitions in 22 states. Our coalitions are comprised of labor unions, community organizations, faith-based groups, worker centers, and student organizations. Jobs With Justice believes that all people should have collective bargaining rights, employment security, and a decent standard of living within an economy that works for everyone. We achieve these values by bringing together labor, community, student and faith voices at the national and local levels to win improvements in people's lives and shape public discourse on workers' rights and the economy.

Labor Council for Latin American Advancement ("LCLAA") is a national organization representing the interests of approximately 2 million Latino trade unionists throughout the United States and Puerto Rico. LCLAA works to promote equality in the workplace and to help Latino and Latina workers achieve economic prosperity.

Lawyers Club of San Diego is a 1,300+ member legal association established in 1972 with the mission "to advance the status of women in the law and society." In addition to presenting educational programs and engaging in advocacy, Lawyers Club participates in litigation as *amicus curiae* where the issues concern the advancement of status of women in the law or society. Lawyers Club is committed to gender equality and equal pay.

The Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee") is a non-profit civil rights organization that was founded in 1963 by the leaders of the American bar, at the request of President John F. Kennedy, in order to mobilize the private bar in vindicating the civil rights of African Americans and other racial and ethnic minorities. The Lawyers' Committee is dedicated, among other goals, to eradicating workplace discrimination and tackling persisting economic inequality affecting racial and ethnic minorities and other disadvantaged populations.

The mission of the **League of United Latin American Citizens ("LULAC")** is to advance the economic condition, educational attainment, political influence, housing, health and civil rights of the Hispanic population of the United States. We offer the largest Latino federal training program in the country (called the LULAC Federal Training Institute).

Legal Aid at Work ("LAAW") represents low-wage workers facing a range of workplace issues, including unpaid wages, denials of family and medical leave and accommodation, wrongful termination, harassment, retaliation, and discrimination on the basis of race,

national origin, immigration status, language, gender, sexual orientation, or disability. LAAW litigates law reform and collective and class actions to change policies and practices that hinder access to equal employment opportunities.

Legal Voice is a regional non-profit public interest organization that works to advance the legal rights of all women and girls in the Pacific Northwest through litigation, legislative advocacy, and legal rights education. Since its founding in 1978 as the Northwest Women's Law Center, Legal Voice has long experience advocating for economic equality for women and people of color through strengthening the ability of unions to work for the people they represent. In addition, Legal Voice has worked to advance women's economic security by supporting policies that help women in the workplace, including paid leave for survivors of gender-based and intimate partner violence, "ban the box" laws that limit pre-employment inquiries about applicants' criminal history, pregnant workers' rights, and equal pay.

The **Maine Women's Lobby** knows that economic security is the overarching issue shaping women's lives.

The **Matthew Shepard Foundation** empowers individuals to embrace human dignity and diversity through outreach, advocacy and resource programs. We strive to replace hate with understanding, compassion and acceptance in the workplace, in school, in communities, and beyond.

NARAL Pro-Choice America is a national advocacy organization, dedicated since 1969 to supporting and protecting, as a fundamental right and value, a woman's

freedom to make personal decisions regarding the full range of reproductive choices through education, organizing, and influencing public policy. NARAL Pro-Choice America works to guarantee every woman the right to make personal decisions regarding the full range of reproductive choices, and the intersection between a woman's reproductive freedom and consequent economic opportunity is a critical piece of our mission.

National Action Network ("NAN") is one of the leading civil rights organizations in the Nation with chapters throughout the entire United States. Founded in 1991 by Reverend Al Sharpton, NAN works within the spirit and tradition of Dr. Martin Luther King, Jr. to promote a modern civil rights agenda that includes the fight for one standard of justice, decency, and equal opportunities for all people regardless of race, religion, ethnicity, citizenship, criminal record, economic status, gender, gender expression, or sexuality.

The National Asian Pacific American Women's Forum ("NAPAWF") is the only national, multi-issue Asian American and Pacific Islander ("AAPI") women's organization in the country. NAPAWF's mission is to build a movement to advance social justice and human rights for AAPI women, girls, and transgender and gender non-conforming people. NAPAWF approaches all of its work through a reproductive justice framework that seeks for all members of the AAPI community to have the economic, social, and political power to make their own decisions regarding their bodies, families, and communities. Our work includes fighting for economic justice for AAPI women and advocating for the adoption

of policies that protect the dignity, rights, and equitable treatment of AAPI women workers.

The **National Association of Human Rights Workers ("NAHRW")** is a voluntary association that trains individuals and organizations engaged in human rights and civil rights professions and law enforcement. NAHRW is committed to its members to enable them to foster equality within a diverse society. NAHRW has joined with labor unions to pursue mutual goals of eliminating employment and other forms of unlawful discrimination in the workplace.

Established in 1955, the **National Association of Social Workers ("NASW")** is the largest association of professional social workers in the United States with 120,000 members in 55 chapters. The California Chapter of NASW has 10,000 members. Among other organizational purposes, NASW develops policy statements on issues of importance to the social work profession. Consistent with those statements, NASW supports the right of workers to organize, to engage in collective bargaining to improve their working conditions, and to strike to draw attention to their grievances.

The **National Center for Transgender Equality ("NCTE")**, founded in 2003, is dedicated to advocating for fairness, opportunity, and well-being for transgender people. NCTE works to educate policymakers and the public and advocates for laws and policies that promote the health, safety, and equality of transgender people. In 2015, NCTE conducted the U.S. Transgender Survey with over 27,000 adults across the country.

The **National Coalition for Asian Pacific American Community Development ("CAPACD")** is a coalition of more than 100 community-based organizations spanning 19 states and the Pacific Islands that seeks to improve the quality of life for low-income Asian Americans and Pacific Islanders ("AAPIs"). In our work, we seek to build power nationally for communities of color in furtherance of a shared vision of economic and racial justice.

The **National Council of Jewish Women ("NCJW")** is a grassroots organization of 90,000 volunteers and advocates who turn progressive ideals into action. Inspired by Jewish values, NCJW strives for social justice by improving the quality of life for women, children, and families and by safeguarding individual rights and freedoms. NCJW's Resolutions state that NCJW resolves to work for "Laws, policies, and employment practices that allow workers to meet both family and work responsibilities." Consistent with our Principles and Resolutions, NCJW joins this brief.

National Council of the Churches of Christ in the USA is a community of 38 Christian communions offering common witness in the public square on social justice. We have a long standing history of supporting the right of employees to organize for collective bargaining.

The **National Domestic Workers Alliance ("NDWA")** is the nation's leading advocacy organization advancing the dignity, rights, and recognition of domestic workers. Powered by 64 affiliates, NDWA advances the rights of child care workers, housecleaners, and direct care workers, most of whom are excluded from the Fair

Labor Standards Act and largely excluded from collective bargaining tables. NDWA fights for equal and improved treatment for domestic workers in every sector.

The **National Employment Lawyers Association ("NELA")** is the largest professional membership organization in the country comprising lawyers who represent workers in labor, employment, and civil rights disputes. Founded in 1985, NELA advances employee rights and serves lawyers who advocate for equality and justice in the American workplace. NELA and its 69 circuit, state, and local affiliates have a membership of over 4,000 attorneys who are committed to working on behalf of those who have been treated unlawfully in the workplace.

The **National Immigration Law Center ("NILC")** is a nonpartisan legal advocacy organization whose mission is to defend and advance the rights of low-income immigrants and their families. NILC has a national reputation for its expertise in the complex intersection of employment and immigration law. NILC has litigated key immigration-related employment law cases, drafted legal reference materials relied on by the field, trained countless advocates, attorneys, and government officials, and provided technical assistance on a range of legal issues affecting low-wage immigrant workers, including the rights to organize and to bargain collectively.

The **National Institute for Reproductive Health ("NIRH")** is a non-profit advocacy organization working across the country to increase access to reproductive health care by changing public policy, galvanizing public

support, and normalizing women's decisions to have abortions and use contraception. In order to build the vision of a society in which each person has the freedom to control their reproductive and sexual lives, NIRH recognizes how factors like economic security, shape and impact access to reproductive health care, and supports policies promoting economic justice.

Since 1973, the **National LGBTQ Task Force** has worked to build power, take action, and create change to achieve freedom and justice for LGBTQ people and their families. As a progressive social justice organization, the Task Force works toward a society that values and respects the diversity of human expression and identity and achieves equity for all.

The **National Organization for Women ("NOW") Foundation** is a 501(c)(3) entity affiliated with the National Organization for Women, the largest grassroots feminist activist organization in the United States with chapters in every state and the District of Columbia. NOW Foundation is committed to advancing equal opportunity in employment, among other objectives, and works to assure that women are treated fairly and equally under the law.

The **National Partnership for Women & Families** (formerly the Women's Legal Defense Fund) is a national advocacy organization that promotes fairness in the workplace, reproductive health and rights, quality health care for all, and policies that help women and men meet the dual demands of their jobs and families. Since its founding in 1971, the National Partnership has worked to advance women's equal employment opportunities and health through several means,

including by challenging discriminatory employment practices in the courts. The National Partnership has fought for decades to combat sex discrimination and to ensure that all people are afforded protections against discrimination under federal law.

The **National Workrights Institute** is an independent research and advocacy organization devoted to expanding protection of human rights in the workplace.

The **Natural Resources Defense Council ("NRDC")** is a non-profit advocacy organization that works to protect public health and the environment. NRDC is a member of the BlueGreen Alliance, a coalition of labor unions and environmental advocates. NRDC promotes solutions to environmental problems that create and maintain quality jobs and build a fair economy.

New Jersey Citizen Action is a grassroots member based organization and a coalition. We represent and advocate for New Jersey working families on policies that affect them, including economic security, health care, consumer protection and more. This case will affect many of our more than 60,000 grassroots members and an additional tens of thousands of members of our partner groups, which include many NJ based unions.

People for the American Way Foundation ("PFAWF") is a non-partisan civic organization established to promote and protect civil and constitutional rights, as well as American values like equality and opportunity for all, including the protections provided by unions to preserve pay equity and prevent discrimination. Founded in 1981 by a group of civic, educational, and religious leaders, PFAWF now

has hundreds of thousands of members nationwide. Over its history, PFAWF has conducted extensive education, outreach, litigation, and other activities to promote these values.

People's Action is a national grassroots network comprised of over 50 affiliated membership organizations in 30 states fighting for racial, economic, and gender justice. Nationally, our members have always stood on the side of economic justice and for workers' rights to organize, collectively bargain, and to find safe, dignified work that pays family sustaining wages. In our more than forty year history, our legacy organizations spearheaded organizing campaigns that led to landmark policy changes fighting for economic justice, such as the local Fight for $15 initiatives, the Home Mortgage Disclosure Act (1975), the Community Reinvestment Act (1977), and the Dodd-Frank Wall Street Reform. Many of our member organizations have members who are public sector employees and members of unions. Our million-plus members are committed to advocating for policies that put people and planet before profits and support the importance of labor protections and a strong, viable labor movement.

The **Public Advocate for the City of New York** is the second-highest ranking official in New York City government and serves as a citywide elected ombudsman, legislator, and litigator. Public Advocate Letitia James has advocated for stronger anti-discrimination legislation—including the introduction of legislation that prohibits employers from asking job applicants about their salary histories. Her office has also filed *amicus* briefs in cases involving workplace

discrimination and arbitration agreements and has issued policy reports on the gender wage gap in New York City and other topics relevant to workplace discrimination.*

The **Public Justice Center ("PJC")** is a Maryland non-profit civil rights and anti-poverty legal advocacy organization dedicated to advancing the rights of underrepresented individuals and communities and the pursuit of economic and racial equity. The PJC regularly represents low-wage workers in employment cases. Its Appellate Advocacy Project has submitted *amicus* briefs on an array of employment-related issues in state and federal courts.

The Samuel DeWitt Proctor Conference, Inc. ("SDPC") is a national faith based non-profit and United Nations Non-Governmental Organization. SDPC seeks to nurture, sustain, and mobilize the African American faith community in collaboration with civic, corporate, and philanthropic leaders to address critical needs of human and social justice within local, national, and global communities. SDPC seeks to strengthen the individual and collective capacity of thought leaders and activists in the church, academy and community through education, advocacy and activism. SDPC supports and is in partnership with Labor organizations such as AFSCME, CBTU, AFL-CIO, just to name a few. SDPC firmly believes in fair work and labor laws for all people, specifically women and people of color.

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The Sargent Shriver National Center on Poverty Law ("Shriver Center") has a vision of a nation free from poverty with justice, equity, and opportunity for all. The Shriver Center provides national leadership to promote justice and improve the lives and opportunities of people with low income, by advancing laws and policies, through litigation and policy advocacy, to achieve justice for our clients. The Shriver Center is committed to economic security for working families, including the achievement of equal opportunities for women and people of color.

The **Sierra Club** is a national organization with 67 chapters and more than 825,000 members dedicated to exploring, enjoying, and protecting the wild places of the earth; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. Sierra Club has a long history of solidarity with the labor movement, partnering with working families and labor unions to fight for economic and racial justice and for a worker-friendly clean energy economy that works for all.*

SisterReach is a Memphis, TN based non-profit supporting the reproductive autonomy of women and teens of color, poor, rural women, and gender non-conforming people and their families through the framework of Reproductive Justice. Our mission is to empower our base to lead healthy lives, raise healthy families and live in healthy communities. We provide comprehensive reproductive and sexual health

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education to marginalized women, teens and gender non-conforming people, and advocate on the local, state, and national levels for public policies which support the reproductive health and rights of all women and youth.

The **Southern Poverty Law Center ("SPLC")** has provided pro bono civil-rights representation to low-income persons in the Southeast since 1971. SPLC has litigated numerous cases to enforce the civil and workplace rights of low-income individuals and communities to ensure that they are treated with dignity and fairness. SPLC provides educational materials, engages in policy reform, and develops litigation to minimize the burdens placed on the poor, to ensure meaningful access to social safety nets, and to enable upward mobility.

The **Southwest Women's Law Center** is a non-profit policy and advocacy law center that was founded in 2005 to focus on advancing economic security for women and girls in the state of New Mexico. The Southwest Women's Law Center is dedicated to ensuring that women and girls not only have access to equal pay, but to all benefits available to employees in the workplace.

The **Advancement Project** is a national multi-racial civil rights organization. Rooted in the great human rights struggles for equality and justice, Advancement Project exists to fulfill the United States' promise of a caring, inclusive, and just democracy. Advancement Project has particularly strong partnerships with grassroots organizations, including unions and other member organizations.

The National Urban League is a historic civil rights and urban advocacy organization dedicated to economic empowerment in historically underserved urban communities. Founded in 1910 and headquartered in New York City, the National Urban League improves the lives of more than two million people annually through direct service programs, including education, employment training and placement, housing, and health, that are implemented locally by 90 Urban League Affiliates in 300 communities across 37 states and the District of Columbia. The work of the Urban League and its Affiliates includes advocacy, research, and social services programs including job training, job placement, home ownership, STEM education, entrepreneurship, and financial literacy. The National Urban League advances the guarantee of civil rights for the underserved in America by actively working to eradicate all barriers to equal participation in all aspects of American society, whether political, economic, social, educational or cultural. This is embodied in one of the organization's key "Empowerment Goals" for 2025: Every American has access to jobs with a living wage and good benefits.

The Women's Law Center of Maryland, Inc. is a nonprofit membership organization established in 1971 with a mission of improving and protecting the legal rights of women, especially regarding gender discrimination in the workplace and in family law issues. Through its direct services and advocacy, and in particular through the operation of a statewide Employment Law Hotline, the Women's Law Center

seeks to protect women's legal rights and ensure equal access to resources and remedies under the law.

The Workmen's Circle is a social justice organization that powers progressive Jewish identity through Jewish cultural engagement, Yiddish language learning, multi-generational education, and social and economic justice activism. For over a century we have been committed to activism in support of worker rights and protections. Our founders were immigrant activists who became part of the growing labor force and union movement in the United States in the early 1900s. Today we proudly continue our founders' activist tradition and we organize and advocate in support of the public's right to organize and join unions.

The Union for Reform Judaism, whose 900 congregations across North America include 1.5 million Reform Jews, **the Central Conference of American Rabbis ("CCAR")**, whose membership includes more than 2,000 Reform rabbis, and **Women of Reform Judaism** that represents more than 65,000 women in nearly 500 women's groups in North America and around the world come to this issue inspired by a profound commitment to the principle of the just treatment of workers.

The Union of Concerned Scientists ("UCS") puts rigorous, independent science to work to solve our planet's most pressing problems. Joining with people across the country, we combine technical analysis and effective advocacy to create innovative, practical solutions for a healthy, safe, and sustainable future. Our scientists and engineers develop and implement innovative, practical solutions to some of our planet's

most pressing problems—from combating global warming and developing sustainable ways to feed, power, and transport ourselves, to fighting misinformation, advancing racial equity, and reducing the threat of nuclear war. UCS has benefitted from the strong engagement of unions, including public sector unions such as AFSCME, AFT, and SEIU, in our work on climate change, occupational safety and public health, and other issues.*

United Methodist Women is the largest denominational faith organization for women with approximately 800,000 members whose mission is fostering spiritual growth, developing leaders and advocating for justice.

United Students Against Sweatshops is a grassroots organization run entirely by youth and students. We develop youth leadership and run strategic student-labor solidarity campaigns with the goal of building sustainable power for working people. We believe that strong public sector unions on university campuses are key to creating economic opportunity for workers within our community.

Women Employed's mission is to improve the economic status of women and remove barriers to economic equity. Since 1973, the organization has assisted thousands of working women with problems of discrimination and harassment, monitored the performance of equal opportunity enforcement agencies, and developed specific, detailed proposals for improving

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* Represented solely by the National Women's Law Center.

enforcement efforts, particularly on the systemic level. Women Employed is committed to protecting fair treatment of all working women.

Women Lawyers On Guard Inc. is a national, non-partisan organization harnessing the power of lawyers and the law in coordination with other non-profit organizations to preserve, protect, and defend the democratic values of equality, justice, and opportunity for all.

The Women's Bar Association of Massachusetts ("WBA") is a professional association comprised of over 1,500 members, including judges, attorneys, and policy makers dedicated to advancing and protecting the interests of women. In particular, the WBA advocates for public policy that improves the lives of women and their children. The WBA has filed and joined many *amicus* briefs in state and federal courts on legal issues that have a unique impact on women, including cases involving sexual discrimination, family law, domestic violence, and employment discrimination. The WBA is comprised of over 1,500 members, 99 percent of which are female. The WBA operates solely in Massachusetts.

Founded in 1917, the **Women's Bar Association of the District of Columbia ("WBA")** is one of the oldest and largest voluntary bar associations in metropolitan Washington, DC. Today, as in 1917, we continue to pursue our mission of maintaining the honor and integrity of the profession; promoting the administration of justice; advancing and protecting the interests of women lawyers; promoting their mutual improvement; and encouraging a spirit of friendship among our members. We believe that advancing the interest of

women lawyers and our fellow female employees includes the support of protections in place to prevent discrimination.

The Women's Institute for Freedom of the Press ("WIFP"), founded in 1972, is a nonprofit organization dedicated to media democracy and expanding women's voices and agency. WIFP also focuses on groups and individuals who are not fully represented in the nation's media ownership and decision-making. This includes women of color in particular as well as workers, those in poverty, and the exploited. To right inequities everyone needs a voice in a democracy.

The Women's Law Project ("WLP") is a nonprofit legal advocacy organization dedicated to creating a more just and equitable society by advancing the rights and status of all women throughout their lives. To this end, we engage in high impact litigation, policy advocacy, and public education. Founded in 1974, the WLP has a long and effective track record on a wide range of legal issues related to women's health, legal, and economic status. Economic justice and equality for women is a high priority for WLP.

West Virginia Citizen Action Group, since its inception in 1974, has sought to empower citizens to organize in their communities and workplaces to promote public policies that support workers, their families, and their communities.

YWCA USA is dedicated to eliminating racism, empowering women, and promoting peace, justice, freedom, and dignity for all.